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09/551,027	04/17/00	NOBLE	W 303.379US2

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EXAMINER

TRINH, M

ART UNIT	PAPER NUMBER
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2822

DATE MAILED:

07/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/551,027

Applicant(s)

NOBLE ET AL.

Examiner

Michael M Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6,10.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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DETAILED ACTION

*** This office action is in response to the amendment filed on April 27, 2001. Claims 20-56 are pending, in which claims 27-56 have been newly added.

*** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

1. Claims 20,21,23-2,27-28,30,32,34,35,37,39,41,42,44,46,48-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotou (5,001,526).

Gotou teaches a method for forming a semiconductor device comprising at least the steps of: forming a number of access transistors, each access transistor formed in a pillar of semiconductor material that extends outwardly from a substrate wherein the access transistor includes, in order, a first source/drain region 15, a unitary body region 14/16 (Figs 15b,2) and a second source/drain region 17 formed vertically thereon (Fig 3b; or 68,73,67 in Fig 2; cols 4-6); forming a trench capacitor, wherein a first plate (15 in Fig 3b; or 68 in Fig 2) of the capacitor is integral with the first source/drain region 15 or 68, wherein a second plate (69 in Fig 2; or 21 in Fig 3b,10,11a-b, re claim 21) surround the first plate forming a grid pattern (Figs 2,3a-b,9a-b,11a-b,14a-b; re claim 23) by depositing polysilicon in row and column trenches (col 5, lines 22+); forming a number of word lines in a number of trenches that separate adjacent rows of access transistors, wherein each trench includes two word lines (30 in Fig 3b; or 63 in Fig 2) with a gate of each word line interconnecting alternative access transistors on opposite sides of the trenches; and forming a number of bit lines 29 (figs 3b, 1,14a-b) that interconnect second source/drain regions 17 of selected access transistors, wherein the memory device having an array of memory cells occupying an area of $4F^2$ with F is a minimum feature size (Fig 14a,11a,1; cols 1-2; col 2, lines 60-65, wherein the layers are epitaxially grown from a single silicon substrate wafer. Re further claims 25-26, forming layers and etching the layers to form column bars of a first source/drain region, the body region, and the second source/drain region, and row and column isolation trenches are described from figures 6 to 14b, and filling the trenches with a conductive material not to exceed the lower level of the body region 16 is shown in figure 15b, and wherein bit lines to interconnect the second source/drain regions is shown in figures 14a-14b, wherein the first source/drain region extending outwardly from the substrate.

Claim Rejections - 35 USC § 103

2. Claims 22,29,31,32,35,38,40,43,45,47,54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou (5,001,526) taken with Kimura et al (5,177,576).

Gotou teaches a method for forming a memory array as applied above to claims 20,21,23-2,27-28,30,32,34,35,37,39,41,42,44,46,48-53.

Re claim 26, Gotou lacks to form a contact to couple the second plate to an underlying semiconductor layer. Re claims 29,31,33,36,38,40,43,45,47, Gotou lacks to mention claimed thickness of the source/drain regions. Re claims 54-55, Gotou teaches DRAM memory cells but lacks to explicitly mention about decoder, buffer and microprocessor.

However, re claim 26, Kimura et al teach (at fig 4, figs 6G-6M; col 6, lines 30-68) to form a contact at the bottom of the trench so that the contact couples a second plate to an underlying semiconductor layer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form a contact at the bottom of the trench so that the contact couples a second plate to an underlying semiconductor layer, as taught by Kimura because of the desirability to form an electrical connection between the second plate and the semiconductor wafer, wherein forming the contact directly at the bottom of trench for connection would miniaturize a device size.

Re claims 54-55, it would have been obvious to one of ordinary skill in the art to connect bit lines and word lines of the DRAM memory cells to decoders, buffers and microprocessor as well known in the art because of the desirability to provide the capability of accessing a charged stored in one or more of the capacitors or providing a charge thereto (read/write).

Re claims 29,31,33,36,38,40,43,45,47, it would have been to one of ordinary skill in the art to select a thickness value in a known range by optimization for the best results, see *In re Aller*, et al., 105 USPQ 233. Normally, it is to be expected that a change in thickness, depth, etc., or in combination of the parameters would be an unpatentable modification. Under some circumstances, however, changes such as these may be impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from results of prior art...such ranges are termed 'critical ranges' and the applicant has the burden of proving such criticality. *In Re Aller* 104 USPQ 233,255 (CCPA 1955); *In re Waite* 77 USPQ 586 (CCPA 1948); *In re Scherl* 70 USPQ 204 (CCPA 1946); *In Re Irmischer*

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166 USPQ 314 (CCPA 1945); *In Re Norman* 66 USPQ 308 (CCPA 1945); *In Re Swanson* 56 USPQ 372 (CCPA 1942); *In Re Sola* 25 USPQ 433 (CCPA 1935); and *In Re Dreyfus* 24 USPQ 52 (CCPA 1934).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

** Claims 20-26, 27-56 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,156,604, or claims 1-22 of U.S. Patent No. 6,156,607. Although the conflicting claims are not identical, they are not patentably distinct from each other because this present application and the Patent are drawn to the same invention, in which scope of claims 20-26 of the present application are broad enough to encompass the scope of claims of the Patents 6,156,604 or 6,156,607, and would have been obvious to skill artisan. Re claims 27-56, it would have been obvious to one of ordinary skill in the art to select and optimize a thickness for the best results, and it would have been obvious to one of ordinary skill in the art to connect bit lines and word lines of the DRAM memory cells to decoders, buffers and microprocessor as well known in the art because of the desirability to provide the capability of accessing a charge stored in one or more of the capacitors or providing a charge thereto (read/write).

Response to Arguments

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4. Applicant's remarks filed April 27, 2001 have been fully considered but they are not persuasive, and to are also moot in view of the new ground(s) of rejection.

** Double patenting rejection is maintained since no terminal disclaimer has been timely submitted.

** Applicant mainly remarks (at remark pages 10-11 filed 4/27/01) that "...Gotou does not disclose the layers in Applicant's claimed invention in order set forth in claims 20 and 25... In contrast, Applicant's claimed invention has a unitary body region..."

It is noted and found unconvincing. In the contrary, a unitary is clearly shown in Figures 15b,2 (column 6, lines 63-68). The rejection is still proper.

** For the reasons as set forth above, rejection of claim 22 under 35 USC 103 rejection is still proper and maintained as of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Trinh whose telephone number is (703) 308-2554. The examiner can normally be reached on M-F from 8:30 Am to 4:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Whitehead Jr Carl can be reached on (703) 308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Oasc



Michael Trinh
Primary Examiner